

TAL

Notice of Allowability	Application No.	Applicant(s)	
	09/577,476	DAMADIAN, RAYMOND V.	
	Examiner	Art Unit	
	A. Dexter Tugbang	3729	

-- **The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview Summary dated 7/18/05 and attached herein.
2. ☒ The allowed claim(s) is/are 7-24 and 33-44.
3. ☒ The drawings filed on 07 July 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>attached herein</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Orville R. Cockings on July 18, 2005.

The application has been amended as follows.

In Claim 7, the phrase of --magnetic resonance-- has been after "a plurality of" (line 8).

In Claim 14, "the step" (line 2) has been changed to --a step--.

In Claim 17, "an intermediate" (line 2) has been changed to --said intermediate--.

In Claim 18, "an intermediate" (line 2) has been changed to --said intermediate--.

In Claim 19, "an intermediate" (line 2) has been changed to --said intermediate--.

In Claim 20, "an intermediate" (line 2) has been changed to --said intermediate--; and --material-- has been inserted after "dielectric" (line 3).

In Claim 21, --material-- has been inserted after "dielectric" (line 2).

In Claim 22, --material-- has been inserted after "dielectric" (line 2).

In Claim 23, "said dielectric sleeve" (line 2) has been changed to as --a dielectric sleeve--.

In Claim 37, "the step" (line 2) has been changed to as --a step--.

In Claim 40, "an intermediate" (line 2) has been changed to --said intermediate--.

In Claim 41, "an intermediate" (line 2) has been changed to --said intermediate--.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance.

Regarding Claim(s) 7, Claim 7 has been amended to include limitations that the shim pieces are “*magnetic resonance shim pieces*” (line 8, emphasis added). While the reference to Kelmerson et al'652, as applied in the Final Rejection (dated 5/20/05), does teach forming a plurality of shim pieces, the shim pieces of Kelmerson are concrete slabs, and are *not magnetic resonance shim pieces*. Therefore, the shim pieces of Kelmerson are not magnetic resonance shim pieces. The additional limitations added to Claim 7 that the shim pieces are “magnetic resonance shim pieces” provides a nexus between the body of the claims and the preamble, such that now the body of the claim now breathes life and meaning into the preamble of the claim as the body of the claims is directed to making magnetic resonance shim pieces specifically of a magnetic resonance imaging magnet or a magnetic resonance imaging device.

Additionally, reading the claims in light of the specification, the applicant(s) define a magnetic resonance imaging magnet as a device that generates a magnetic field induced through, and to suppress, eddy currents (see disclosure, p. 1). In no way can the concrete slab of Kelmerson generate a magnetic field as well as generate any eddy currents. Therefore, it would not be obvious to one of ordinary skill in the art to modify the concrete slab of Kelmerson to form it as a magnetic resonance imaging magnet. Making such a modification to Kelmerson would destroy the invention of Kelmerson.

Regarding Claim(s) 33, the remarks by the examiner in the Office Action (Non-Final Rejection) dated 11/5/04, paragraph 9, are fully incorporated by reference herein.

Accordingly, Claims 7-24 and 33-44 are allowed.

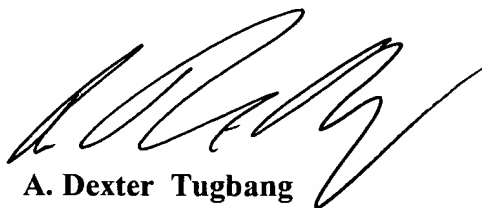
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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Dexter Tugbang whose telephone number is 571-272-4570. The examiner can normally be reached on Monday - Friday 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



A. Dexter Tugbang
Primary Examiner
Art Unit 3729

July 18, 2005